

AGENDA FOR REGULAR COUNCIL MEETING

**July 17, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
July 16, 2012
9:00 a.m.**

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION by Police, Fire and CIMA Chaplain Sam Faraone

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

- 1. AMERICANS WITH DISABILITIES ACT ENFORCEMENT DAY**
- 2. INTERNATIONAL TRADITIONAL FERIA DE SALUD (WELLNESS FAIR) DAY**

RECOGNITIONS

- 1. DEBBIE HAMLYN, DEPUTY CITY MANAGER, RETIREMENT AFTER 38 YEARS OF SERVICE**
- 2. DARYL COLE, DIRECTOR, DEPARTMENT OF TRANSPORTATION, RETIREMENT AFTER 26 YEARS OF SERVICE**
- 3. ELVIA HERNANDEZ – STAR ON THE MOUNTAIN AWARD**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE:

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of July 10, 2012.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTION:

A Resolution that the sale and service of alcoholic beverages by St. Ignatius Church, in the closed portions of City rights-of-way on Nino Aguilera Street between East Delta Drive and East Third Avenue and East Third Avenue between South Park Street and Nino Aguilera Street from 5:00 p.m. Friday, July 27, 2012 to 12:00 a.m. Saturday, July 28, 2012 and from 5:00 p.m. Saturday, July 28, 2012 to 12:00 a.m. Sunday, July 29, 2012 and 5:00 p.m. Sunday, July 29, 2012 to 12:00 a.m. Monday, July 30, 2012, in conjunction with the St. Ignatius Church Bazaar, is a permissible activity (NESV12-00021). **(District 8)** [City Development, Mirian Spencer, (915) 541-4056]

4. BOARD APPOINTMENT:

Bob Brannon to the Ad Hoc Charter Advisory Committee by Representative Ann Morgan Lilly, (District 1). [Representative Ann Morgan Lilly, (915) 541-4886]

5. FOR NOTATION:

Accept the donation of \$1,000 from El Paso Electric Company for Movies at the Vista Del Valle Park. **(District 3)** [Representative Emma Acosta, (915) 541-4515]

REGULAR AGENDA - INTRODUCTIONS**6. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 6A.** An Ordinance deleting Chapter 9.32 (Tattooing and Body Piercing) of the El Paso City Code, as those requirements have been moved to Chapter 5.10 of the El Paso City Code and repealing Ordinances Nos. 015715 and 017392 which established and amended the Chapter. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 6B.** An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.10 (Tattooing and Body Piercing Licenses) of the El Paso City Code to rename the Chapter as Tattoo and Body Art Studio Registration and Artist License, and to amend the Chapter in its entirety; the penalty as provided in Section 5.10.180 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 6C.** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas) Section 13.24.010 (Sale of Goods and Services), Section 13.24.020 (Renting Vehicles or Animals-maintaining Amusement Devices), Section 13.24.030 (Authority to grant Licenses, Privileges or Concessions), Section 13.24.040 (Hours of Closure), Section 13.24.050 (Use of Athletic Fields), Section 13.24.060 (Camping), Section 13.24.070 (Dangerous Amusements), Section 13.24.080 (Horses), Section 13.24.090 (Motor Vehicles), Section 13.24.100 (Violation of Sections 13.24.060 through 13.24.090-Penalty), Section 13.24.110 (Play Areas for Young Children), Section 13.24.120 (Alcoholic Beverages-Definitions), Section 13.24.130 (Alcoholic Beverages-Prohibitions), Section 13.24.140 (Alcoholic Beverages-Permit Issuance by Director), Section 13.24.150 (Alcoholic Beverages-Permit Issuance by City Council), Section 13.24.160 (Alcoholic Beverages-Sales by Certain Organizations), Section 13.24.180 (Alcoholic Beverages-Violation and Penalty), Section 13.24.190 (Glass Beverage Bottles or Containers Prohibited), Section 13.24.210 (Enforcement), of the El Paso City Code; the penalty being as provided in Section 13.24.220 and Sections 1.08.010-1.08.030 of the El Paso City Code. **(All Districts)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]
- 6D.** An Ordinance Amending Title 3 (Revenue and Finance), Chapter 3.04 (Property Taxes), Section 3.04.050 (Delinquent Taxes – Installment Payments) of The El Paso City Code to add Chief Financial Officer as an authorized signatory to installment payment agreements for delinquent property taxes. **(All Districts)**
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4011]

THE FOLLOWING ITEMS PERTAIN TO THE ADAPTIVE RE-USE/SUSTAINABLE CITY CENTERS POLICY. PUBLIC HEARING WILL BE HELD ON JULY 31, 2012 FOR ITEMS 6E-6G ALONG WITH ACCOMPANYING POLICIES.

- 6E.** An Ordinance amending Title 15 (Public Services), Chapter 15.08, (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code by repealing Section 15.08.120 (Special Privilege License and Permits) in its entirety and adopting a new Section 15.08.120 (Special Privilege

Licenses and Permits) in its place. The penalty is as provided in Section 15.08.125 of the El Paso City Code. **(All Districts)**

[City Development, Mathew McElroy, (915) 541-4193]

- 6F.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.28 (Existing Building Code), of the El Paso City Code, to facilitate the reuse of existing buildings, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**

[City Development, Mathew McElroy, (915) 541-4193]

- 6G.** An Ordinance providing for a one hundred percent reduction of certain development fees specified in Title 18, Title 19, and Title 20 of the El Paso City Code for a period of forty eight months for property development zoned Smart Code and designated as Transit Oriented Development and identified in the City's Sustainable City Centers Incentive Policy. **(All Districts)**

[City Development, Mathew McElroy, (915) 541-4193]

PUBLIC HEARING WILL BE HELD ON July 31, 2012, FOR ITEMS 6A –6G

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS/OTHER BUSINESS

7. CITY DEVELOPMENT:

- 7A.** An Ordinance changing the zoning of the following real property known as: Parcel 1: Portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from C-2/c (Commercial/condition) to A-O/c (Apartment-Office/condition); and Parcel 2: Portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from PR-I (Planned Residential I) to A-O (Apartment-Office), the penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Rich Beem Boulevard at Eastbrook Drive. Property Owner: Tropicana Development, Inc. PZRZ12-00007 **(District 5)** [City Development, Esther Guerrero, (915) 541-4720]

- 7B.** An Ordinance releasing all conditions placed on property by Ordinance No. 016385 which changed the zoning of a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Rich Beem Boulevard at Eastbrook Drive. Property Owner: Tropicana Development, Inc. PZCR12-00004 **(District 5)** [City Development, Esther Guerrero, (915) 541-4720]

- 7C.** An Ordinance amending Ordinance No. 016528 to modify the boundaries of the Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas to enlarge the boundaries of the existing zone to include an additional area in Downtown El Paso: Addition B Area - Union Plaza, as more fully described herein; adopting an amendment to the Final Project and Final Reinvestment

Zone Financing Plans; and to amend other provisions of Ordinance No. 016528 related thereto. **(District 8)** [City Development, Mathew McElroy, (915) 541-4747]

8. COMMUNITY AND HUMAN DEVELOPMENT:

An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and Roberto Sergio and Loruama Hernandez which will allow the City to convey lot 19, less the northerly 4.36 feet thereof and less the southerly 0.77 feet thereof, block 3, Hueco Mountain Village replat A, an addition to the City of El Paso, El Paso County, Texas (3699 Prairie Rose Street, El Paso, Texas), to Roberto Sergio and Loruama Hernandez. **(District 5)**

[Community and Human Development, William Lilly, (915) 541-4241]

9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

9A. Discussion and action that the City hereby adopts the City of El Paso Public-Private Partnership Guidelines for the development or operation of qualifying projects to provide public services and facilities. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

9B. Discussion and action that the City hereby adopts the City of El Paso Design-Build Procurement Policy for City facilities and City civil works projects and designates the City Engineer to determine, before advertising, which alternative project delivery method for construction provides the best value to the City.

(All Districts) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

9C. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.94 (Regulation of Lobbying Activities), Section 2.94.090 (Restricted Activities) of the El Paso City Code to amend the type of solicitations in which persons are restricted from engaging in lobbying activities.

(All Districts) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

9D. An Ordinance repealing Ordinance No. 016911 dated June 10, 2008 adopting sustainable development design standards for City buildings, so that new standards may be adopted by resolution. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

9E. Discussion and action that City Council approves and adopts the new Sustainable Development Design Standards for City Buildings dated July 2012, which shall replace the Sustainable Development Design Standards which were adopted by Ordinance No. 016911 on June 10, 2008. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

10. CITY DEVELOPMENT:

10A.

1 .Discussion and action on policy direction from City Council and selection of a conservation strategy for property owned by the City and located within the Northwest Plan.

A. Presentation by Staff on Overview of Conservation Strategies and Options

(1) Background

(2) Staff meetings

- (3) Conservation Strategies and Options - Conservation Covenant, Conservation Easement, Dedication as City Park, or Deed to State as Park
- (4) Staff Recommendation

B. City Council Selection and Policy Direction

- 2. Discussion and action on policy direction from City Council on the State proposed alternative entrance options into Tom Mays Park.

A. Presentation by the Texas Department of Transportation on the Loop 375 (Transmountain) Project and the entrance realignment options into the Franklin Mountains State Park.

B. City Staff recommendation

C. City Council Selection and Policy Direction

(All Districts)

[City Development, Carlos Gallinar, (915) 541-4662]

- 10B.** An Ordinance amending the Master Zoning Plan approved on August 12, 2008, by Ordinance No. 016959 for the rezoning to GMU of Sections 9, 10, 15, 16, 17, and 18, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 11, 14, and 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 11, 12, 13, 14, 19, 20, and 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 7, 17, 18, 19, 20, and 30, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, the penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of U.S. 54 and east of McCombs Street. Property owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00008
(District 4) [City Development, Michael McElroy, (915) 541-4238]

11 MAYOR AND COUNCIL:

- 11A.** Discussion and action regarding the Process and Guidelines for focusing Community Development Block Grant (CDBG) Funds, HOME Investment Partnership Grant Funds and other Grant Funds annually in predetermined target zones, beginning September 1, 2013 as addressed and approved by City Council on May 15, 2012 [Representative Carl Robinson, (915) 541-4140]

- 11B.** Discussion and action on a resolution regarding temporary procedures for the issuance of Public Service Board/El Paso Water Utilities Revenue Bonds.

(All Districts) [Representative Cortney Niland, (915) 541-4268]

POSTPONED FROM 07-10-12

- 11C.** Update on the Ports of Entry Task Force. [Mayor John F. Cook, (915) 541-4145]

POSTPONED FROM 07-10-12

- 11D.** Discussion and action on the requirement for drivers to carry liability insurance and the city's ability to limit discretion on enforcement. **(All Districts)**
[Representative Michiel R. Noe, (915) 541-4701][Representative Emma Acosta, (915) 541-4515]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** *Harold Collins, et. al. vs. The City of El Paso, et. al.*; Cause No. 2009-2736 (551.071)
[City Attorney's Office, Kenneth A. Krohn (915) 541-4550]
- EX2.** Consolidated Tax Office Property Tax Overpayment Account Review - Project No. P2012-12 (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>